

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

CITY OF ROCHESTER, NEW YORK,
ROSILAND BROOKS-HARRIS, CAPITAL
MARKETS ADVISORS, LLC, RICHARD
GANCI, AND RICHARD TORTORA,

Defendants.

22-CV-6273-EAW-MWP

**JOINT [PROPOSED] FURTHER AMENDED
SCHEDULING ORDER**

WHEREAS, this case concerns two separate sets of claims: those arising from Defendant City of Rochester's bond offering in August 2019 (the "Bond Offering Claims") and those relating to alleged regulatory violations by Defendants Capital Markets Advisors, LLC, Richard Ganci, and Richard Tortora ("CMA Defendants") (the "Regulatory Claims");

WHEREAS, the parties have completed discovery regarding the Regulatory Claims,¹ and, on December 15, 2023, Plaintiff Securities and Exchange Commission ("SEC") and the CMA Defendants filed cross motions for summary judgment on those claims, which motions remain pending [ECF Nos. 77-78, 90];

WHEREAS, with respect to the Bond Offering Claims, paper discovery concluded on February 13, 2024, with the parties making certain supplemental productions and disclosures thereafter [ECF Nos. 70, 92];

¹ However, for both the Regulatory and Bond Offering Claims, the parties have reserved certain discovery for the penalty phase should Defendants' liability be established.

WHEREAS, with respect to the Bond Offering Claims, Defendants filed motions for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) (“Rule 12(c) Motions”) [ECF Nos. 45, 47];

WHEREAS, with respect to the Bond Offering Claims, the Court stayed depositions and expert disclosures and discovery pending disposition of the Rule 12(c) Motions [ECF No. 70];

WHEREAS, the Court’s December 5, 2023 Order Extending Partial Stay of Discovery provides, in pertinent part, that the parties shall submit a proposed schedule for completing depositions and expert disclosures and discovery no later than fourteen (14) days following the Court’s ruling on the pending Rule 12(c) Motions [ECF No. 70];

WHEREAS, the Court denied the Rule 12(c) Motions in a Decision and Order issued March 4, 2024 [ECF No. 94];

NOW THEREFORE, in accordance with the Court’s Order Extending Partial Stay of Discovery, the parties propose the following schedule to complete depositions and to complete expert disclosures and discovery, which the Court **SO ORDERS**:

1. All depositions of fact witnesses shall be completed on or before **June 14, 2024**.
2. The parties shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **June 28, 2024**. Rebuttal expert witnesses shall be identified and rebuttal expert reports shall be provided pursuant to Fed. R. Civ. P. 26 by **July 31, 2024**
2023.
3. The parties shall complete all discovery relating to experts, including depositions, by **August 30, 2024**.

4. All dispositive and *Daubert* motions, if any, shall be filed no later than **October 15, 2024**.

We ask for this:

Dated: March 18, 2024

Respectfully submitted,

/s/ Eugene Hansen

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*Attorneys for Defendants Capital Market
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Tortora*

SO ORDERED:

Dated: March 19, 2024

s/Marian W. Payson

Hon. Marian W. Payson
United States Magistrate Judge